

REFERENCE TITLE: workers' compensation; cardiovascular disease;
firefighters

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2835

Introduced by
Representative McComish

AN ACT

AMENDING SECTION 23-1043.01, ARIZONA REVISED STATUTES; RELATING TO WORKERS'
COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1043.01, Arizona Revised Statutes, is amended to
3 read:

4 23-1043.01. Heart-related and mental cases

5 A. EXCEPT AS PROVIDED IN SUBSECTION B, a heart-related or perivascular
6 injury, illness or death shall not be considered a personal injury by
7 accident arising out of and in the course of employment and is not
8 compensable pursuant to this chapter unless some injury, stress or exertion
9 related to the employment was a substantial contributing cause of the
10 heart-related or perivascular injury, illness or death.

11 B. A HEART-RELATED OR PERIVASCULAR INJURY, ILLNESS OR DEATH SHALL BE
12 CONSIDERED A PERSONAL INJURY BY ACCIDENT ARISING OUT OF AND IN THE COURSE OF
13 EMPLOYMENT AND IS COMPENSABLE PURSUANT TO THIS CHAPTER IF ALL OF THE
14 FOLLOWING APPLY:

15 1. THE EMPLOYEE IS EMPLOYED AS A FIREFIGHTER, PARAMEDIC OR EMERGENCY
16 MEDICAL TECHNICIAN BY THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.

17 2. THE EMPLOYEE IS UNDER SIXTY YEARS OF AGE.

18 3. THE EMPLOYEE HAS BEEN EMPLOYED AS A FIREFIGHTER, PARAMEDIC OR
19 EMERGENCY MEDICAL TECHNICIAN FOR AT LEAST FIVE YEARS BEFORE THE OCCURRENCE OF
20 THE HEART-RELATED OR PERIVASCULAR INJURY, ILLNESS OR DEATH.

21 4. THE EMPLOYER IS UNABLE TO PRODUCE CLEAR AND CONVINCING EVIDENCE
22 THAT THE EMPLOYEE'S HEART-RELATED OR PERIVASCULAR INJURY, ILLNESS OR DEATH IS
23 UNRELATED TO THE EMPLOYMENT.

24 ~~B-~~ C. A mental injury, illness or condition shall not be considered a
25 personal injury by accident arising out of and in the course of employment
26 and is not compensable pursuant to this chapter unless some unexpected,
27 unusual or extraordinary stress related to the employment or some physical
28 injury related to the employment was a substantial contributing cause of the
29 mental injury, illness or condition.

30 ~~C-~~ D. If compensation is payable for a heart-related or perivascular
31 injury, illness or death, or for a mental injury, illness or condition, the
32 only employer liable is the employee's last employer in whose employment the
33 requirements of subsection A, ~~or~~ B OR C are met.